

Appln No. 10/069,915

Amdt date September 28, 2005

Reply to Office action of April 28, 2005

REMARKS/ARGUMENTS

In the Office action dated April 28, 2005, claims 1-35 were pending. Claim 6 has been amended to correct a grammatical error.

Claims 1-11, 16-21, 23, and 26-35 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,927,021 to Kowalski et al. Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kowalski in view of US. Patent No. 6,139,088 to Okamoto et al. Claims 12-15 and 24-25 were objected to as being dependent on a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kowalski et al. Claim 1 is directed to "at least one fixing node provided on the frame structure and through which the frame structure can be connected to the door body, wherein the at least one fixing node includes means for adjusting the position of the window frame **relative** to the fixing node **and** the assembly carrier about a longitudinal axis of the vehicle door." (emphasis added). Kowalski teaches a plate member 40, which Examiner has analogized to the assembly carrier of the present application. "Plate member 40 is preferably an individual stamped piece that extends across door cassette 24 and is rigidly connected to the two members of lower door frame 38." Kowalski, Col. 3, Lines 47-49. "Door cassette 24 includes a door frame having an upper door frame 34 and lower door frame 38, a window 36 and its associated hardware, a plate

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member 40 and a cross member 46." Kowalski, Col. 3, Lines 23-26.

Kowalski does not teach or suggest an assembly carrier which can be adjusted relative to a window frame, because the assembly carrier (plate member 40) of Kowalski et al. is rigidly attached to the window frame (upper door frame 34 and lower door frame 38) of Kowalski et al. Thus, the assembly carrier cannot be adjusted relative to the window frame about a longitudinal axis of the vehicle door, as required by claim 1. Moreover, it appears that no other component of Kowalski can be analogized as the assembly carrier of the present invention.

As a result, the cited reference does not teach or suggest the pertinent limitation required by claim 1. In short, the independent claim 1 defines a novel and non-obvious invention over Kowalski et al. Dependent claims 2-29 are dependent from claim 1 and therefore include all the limitations of claim 1 and additional limitations therein. Accordingly, these claims are also allowable over the cited reference, as being dependent from allowable independent claim 1, and for the additional limitations they include therein.

Independent claim 30 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kowalski et al. Claim 30 includes the above cited limitation of claim 1, and therefore, the above arguments concerning claim 1 apply with respect to claim 30. The independent claim 30 therefore defines a novel and non-obvious over Kowalski. Dependent claims 31-35 are dependent from claim 30 and therefore include all the limitations of claim 1 and additional limitations therein. Accordingly, these claims

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are also allowable over the cited reference, as being dependent from allowable independent claim 30, and for the additional limitations they include therein.

SUMMARY OF EXAMINER INTERVIEW

On July 26, 2005, Mark Garscia and Richard T. Jackson, Attorneys for Applicant, phoned Examiner Jerry E. Redman. Applicant wishes to thank Examiner Redman for his time in conducting the interview. Mr. Garscia and Mr. Jackson spoke to the Examiner regarding the Kowalski reference, seeking clarification of an analogy made in the Office action dated April 28, 2005. The analogy was between the plate member 40 of Kowalski and the assembly carrier of the present invention. Mr. Garscia pointed out that, according to his understanding, the plate member 40 was rigidly fixed to the window frame 34, 38 of Kowalski, and therefore could not satisfy the language of claim 1: "means for adjusting the position of the window frame relative to the fixing node and the assembly carrier." Examiner tentatively agreed with Mr. Garscia, and agreed to take the argument under advisement upon Applicant's filing of this response.

Respectfully submitted,
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